

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 433 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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HARDWARE TOOLS AND MACHINERY SYNDICATE

Versus

PATEL ALLOY STEEL LIMITED

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Appearance:

MR RD DAVE for Petitioners

MR MB GANDHI for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/11/98

ORAL JUDGEMENT

Heard the learned counsel for the parties.

This civil revision application was admitted by this Court on 3-4-1989 and interim relief in terms of para-17(b) has been granted. Then this civil revision application was dismissed for non-prosecution on 1-3-1994 but subsequently under the order dated 31-3-1996 the same has been restored.

Para-17(b) of the civil revision application reads as under:

(b) pending the hearing and final disposal of this revision application, Your Lordships will be pleased to stay operation and implementation of the order dated 10-2-1989 passed in summary suit No.1396 of 1988 by the City Civil Court, Ahmedabad in so far as it relates to condition of depositing Rs.10,250/- for leave to defend.

The learned trial court has granted to the defendant-petitioner conditional leave to defend the suit on depositing a sum of Rs.10250/-. On depositing the said amount, the suit was ordered to be transferred to the list of long causes and written statement was to be filed within two weeks thereafter.

In view of the order, which has been passed by this Court on 3-4-1989 I consider it to be appropriate that this revision application may be disposed of in the terms that this interim relief granted by this Court shall continue in the same terms till the disposal of the summary suit filed by the plaintiff-respondent out of which this civil revision application has arisen. The defendant-petitioner may file the written statement within a period of two weeks from the date of receipt of certified copy of this order either from the Court or a zerox copy of certified copy from the plaintiff-respondent. The learned trial court is directed to decide the suit within a period of six months from the date of receipt of writ of this order. The revision application and rule stand disposed of in the aforesaid terms with no order as to costs.

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